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The Supreme Court of the United States today announced it will entertain public comment on proposed revisions to its rules of procedure. The modifications under consideration include several minor alterations. The more substantial revisions include a change from page limitations to a word count similar to the 1998 Amendment to the Federal Rules of Appellate Procedure. See Rule 33. Changes to Rule 25 revise the briefing schedule and require an electronic version of merits briefs be transmitted to the Clerk. Rule 37 revisions require an *amicus curiae* to notify counsel of record of intent to file an *amicus curiae* brief at the petition stage, and to electronically transmit every *amicus curiae* brief in a case scheduled for oral argument. Also, *amicus curiae* supporting a petitioner at the petition stage will be required to file within 30 days after the case is placed on the docket, and no extensions will be allowed.

Copies of the proposed revisions are available from the Court's Public Information Office, the Court's website, www.supremecourtus.gov, and various legal publishers. The Court last revised the Rules in March 2005. The proposed revisions are accompanied by "Clerk's Comments." These are not part of the Rules, but are furnished to assist readers in understanding the proposed changes. The proposed effective date of the revisions is August 1, 2007.

Comments must be received by June 4, 2007 and should be submitted in writing to:

Clerk of the Court
Attn: Rules Committee
Supreme Court of the United States
Washington, DC 20543

PROPOSED REVISIONS TO RULES
OF THE
SUPREME COURT OF THE UNITED STATES

PROPOSED ADOPTION DATE: JUNE 25, 2007

PROPOSED EFFECTIVE DATE: AUGUST 1, 2007

The Clerk's Comments that accompany the revisions to the Rules are not part of the Rules. They are furnished solely to assist readers in understanding the revisions.

Current Rule 5.5

The fee for admission to the Bar and a certificate bearing the seal of the Court is \$100, payable to the United States Supreme Court. The Marshal will deposit such fees in a separate fund to be disbursed by the Marshal at the direction of the Chief Justice for the costs of admissions, for the benefit of the Court and its Bar, and for related purposes.

Revised Rule 5.5

The fee for admission to the Bar and a certificate bearing the seal of the Court is **\$200**, payable to the United States Supreme Court. The Marshal will deposit such fees in a separate fund to be disbursed by the Marshal at the direction of the Chief Justice for the costs of admissions, for the benefit of the Court and its Bar, and for related purposes.

[CLERK'S COMMENT: THE REVISED RULE 5.5 INCREASES THE BAR ADMISSION FEE FROM \$100 TO \$200. THE LAST FEE INCREASE WAS IN 1979.]

Current Rule 9.1

An attorney seeking to file a document in this Court in a representative capacity must first be admitted to practice before this Court as provided in Rule 5, except that admission to the Bar of this Court is not required for an attorney appointed under the Criminal Justice Act of 1964, see 18 U. S. C. §3006A(d)(6), or under any other applicable federal statute. The attorney whose name, address, and telephone number appear on the cover of a document presented for filing is considered counsel of record, and a separate notice of appearance need not be filed. If the name of more than one attorney is shown on the cover of the document, the attorney who is counsel of record shall be clearly identified.

Revised Rule 9.1

An attorney seeking to file a document in this Court in a representative capacity must first be admitted to practice before this Court as provided in Rule 5, except that admission to the Bar of this Court is not required for an attorney appointed under the Criminal Justice Act of 1964, see 18 U. S. C. §3006A(d)(6), or under any other applicable federal statute. The attorney whose name, address, and telephone number appear on the cover of a document presented for filing is considered counsel of record, and a separate notice of appearance need not be filed. If the name of more than one attorney is shown on the cover of the document, the attorney who is counsel of record shall be clearly identified. **See Rule 34.1(f).**

[CLERK'S COMMENT: THE CHANGE MAKES IT CLEARER THAT ATTORNEYS WHO ARE NOT MEMBERS OF THE SUPREME COURT BAR CAN BE LISTED ON A BRIEF ALONG WITH THE COUNSEL OF RECORD.]

Current Rule 14.1(c)

If the petition exceeds five pages, a table of contents and a table of cited authorities.

Revised Rule 14.1(c)

If the petition exceeds five pages, a table of contents and a table of cited authorities. **The table of contents shall include the items contained in the appendix.**

[CLERK'S COMMENT: THE CHANGE CLARIFIES WHAT ITEMS SHOULD BE INCLUDED IN THE TABLE OF CONTENTS.]

Current Rule 14.3

A petition for a writ of certiorari should be stated briefly and in plain terms and may not exceed the page limitations specified in Rule 33.

Revised Rule 14.3

A petition for a writ of certiorari should be stated briefly and in plain terms and may not exceed the **word or** page limitations specified in Rule 33.

[CLERK'S COMMENT: THE CHANGE REFLECTS THE USE OF WORD LIMITS IN RULE 33.1]

Current Rule 14.5

If the Clerk determines that a petition submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition received no more than 60 days after the date of the Clerk's letter will be deemed timely.

Revised Rule 14.5

If the Clerk determines that a petition submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition **submitted in accordance with Rule 29.2** no more than 60 days after the date of the Clerk's letter will be deemed timely.

[CLERK'S COMMENT: THE CHANGE RECOGNIZES THAT A PETITIONER MAY NOT HAVE CONTROL OVER WHEN A DOCUMENT IS RECEIVED BY THE CLERK, AND THE REVISION IS CONSISTENT WITH THE RULE PROVISION GOVERNING THE FILING OF DOCUMENTS.]

Current Rule 15.2

A brief in opposition should be stated briefly and in plain terms and may not exceed the page limitations specified in Rule 33. In addition to presenting other arguments for denying the petition, the brief in opposition should address any perceived misstatement of fact or law in the petition that bears on what issues properly would be before the Court if certiorari were granted. Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition. Any objection to consideration of a question presented based on what occurred in the proceedings below, if the objection does not go to jurisdiction, may be deemed waived unless called to the Court's attention in the brief in opposition.

Revised Rule 15.2

A brief in opposition should be stated briefly and in plain terms and may not exceed the **word or** page limitations specified in Rule 33. In addition to presenting other arguments for denying the petition, the brief in opposition should address any perceived misstatement of fact or law in the petition that bears on what issues properly would be before the Court if certiorari were granted. Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition. Any objection to consideration of a question presented based on what occurred in the proceedings below, if the objection does not go to jurisdiction, may be deemed waived unless called to the Court's attention in the brief in opposition.

[CLERK'S COMMENT: THE CHANGE REFLECTS THE USE OF WORD LIMITS IN RULE 33.1]

Current Rule 15.3

Any brief in opposition shall be filed within 30 days after the case is placed on the docket, unless the time is extended by the Court or a Justice, or by the Clerk under Rule 30.4. Forty copies shall be filed, except that a respondent proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2, together

with a motion for leave to proceed *in forma pauperis*, a copy of which shall precede and be attached to each copy of the brief in opposition. If the petitioner is proceeding *in forma pauperis*, the respondent may file an original and 10 copies of a brief in opposition prepared as required by Rule 33.2. Whether prepared under Rule 33.1 or Rule 33.2, the brief in opposition shall comply with the requirements of Rule 24 governing a respondent's brief, except that no summary of the argument is required. A brief in opposition may not be joined with any other pleading, except that any motion for leave to proceed *in forma pauperis* shall be attached. The brief in opposition shall be served as required by Rule 29.

Revised Rule 15.3

Any brief in opposition shall be filed within 30 days after the case is placed on the docket, unless the time is extended by the Court or a Justice, or by the Clerk under Rule 30.4. Forty copies shall be filed, except that a respondent proceeding *in forma pauperis* under Rule 39, including an inmate of an institution, shall file the number of copies required for a petition by such a person under Rule 12.2, together with a motion for leave to proceed *in forma pauperis*, a copy of which shall precede and be attached to each copy of the brief in opposition. If the petitioner is proceeding *in forma pauperis*, the respondent **shall** file an original and 10 copies of a brief in opposition prepared as required by Rule 33.2. Whether prepared under Rule 33.1 or Rule 33.2, the brief in opposition shall comply with the requirements of Rule 24 governing a respondent's brief, except that no summary of the argument is required. A brief in opposition may not be joined with any other pleading, except that any motion for leave to proceed *in forma pauperis* shall be attached. The brief in opposition shall be served as required by Rule 29.

[CLERK'S COMMENT: THE CHANGE MAKES AN 8½- BY 11-INCH PAPER RESPONSE TO AN *IN FORMA PAUPERIS* PETITION MANDATORY.]

Current Rule 18.13

If the Clerk determines that a jurisdictional statement submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. If a corrected jurisdictional statement is received no more than 60 days after the date of the Clerk's letter, its filing will be deemed timely.

Revised Rule 18.13

If the Clerk determines that a jurisdictional statement submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. If a corrected jurisdictional statement is **submitted in accordance with Rule 29.2** no more than 60 days after the date of the Clerk's letter it will be deemed timely.

[CLERK'S COMMENT: THE CHANGE RECOGNIZES THAT AN APPELLANT MAY NOT HAVE CONTROL OVER WHEN A DOCUMENT IS RECEIVED BY THE CLERK, AND

THE REVISION IS CONSISTENT WITH THE RULE PROVISION GOVERNING THE FILING OF DOCUMENTS.]

Current Rule 22.3

An application shall be addressed to the Justice allotted to the Circuit from which the case arises. When the Circuit Justice is unavailable for any reason, the application addressed to that Justice will be distributed to the Justice then available who is next junior to the Circuit Justice; the turn of the Chief Justice follows that of the most junior Justice.

Revised Rule 22.3

An application shall be addressed to the Justice **assigned** to the Circuit from which the case arises. **An application arising from the United States Court of Appeals for the Armed Forces shall be addressed to the Chief Justice.** When the Circuit Justice is unavailable for any reason, the application addressed to that Justice will be distributed to the Justice then available who is next junior to the Circuit Justice; the turn of the Chief Justice follows that of the most junior Justice.

[CLERK'S COMMENT: THE CHANGE SUBSTITUTES THE WORD "ASSIGNED" FOR "ALLOTTED" AND ADOPTS A PROCEDURE THAT WAS NOT HERETOFORE PROVIDED FOR BY RULE OR STATUTE.]

Current Rule 24.3

A brief on the merits may not exceed the page limitations specified in Rule 33.1(g). An appendix to a brief may include only relevant material, and counsel are cautioned not to include in an appendix arguments or citations that properly belong in the body of the brief.

Revised Rule 24.3

A brief on the merits may not exceed the **word** limitations specified in Rule 33.1(g). An appendix to a brief may include only relevant material, and counsel are cautioned not to include in an appendix arguments or citations that properly belong in the body of the brief.

[CLERK'S COMMENT: THE CHANGE REFLECTS THE USE OF WORD LIMITS IN RULE 33.1]

Current Rule 25

1. The petitioner or appellant shall file 40 copies of the brief on the merits within 45 days of the order granting the writ of certiorari, noting probable jurisdiction, or postponing consideration of jurisdiction. Any respondent or appellee who supports the petitioner or appellant shall meet the petitioner's or appellant's time schedule for filing documents.

2. The respondent or appellee shall file 40 copies of the brief on the merits within 35 days after the brief for the petitioner or appellant is filed.

3. The petitioner or appellant shall file 40 copies of the reply brief, if any, within 35 days after the brief for the respondent or appellee is filed, but any reply brief must actually be received by the Clerk not later than one week before the date of oral argument. Any respondent or appellee supporting the petitioner or appellant may file a reply brief.

4. The time periods stated in paragraphs 1 and 2 of this Rule may be extended as provided in Rule 30. An application to extend the time to file a brief on the merits is not favored. If a case is advanced for hearing, the time to file briefs on the merits may be abridged as circumstances require pursuant to an order of the Court on its own motion or that of a party.

5. A party wishing to present late authorities, newly enacted legislation, or other intervening matter that was not available in time to be included in a brief may file 40 copies of a supplemental brief, restricted to such new matter and otherwise presented in conformity with these Rules, up to the time the case is called for oral argument or by leave of the Court thereafter.

6. After a case has been argued or submitted, the Clerk will not file any brief, except that of a party filed by leave of the Court.

7. The Clerk will not file any brief that is not accompanied by proof of service as required by Rule 29.

Revised Rule 25

1. The petitioner or appellant shall file 40 copies of the brief on the merits within 45 days of the order granting the writ of certiorari, noting probable jurisdiction, or postponing consideration of jurisdiction. Any respondent or appellee who supports the petitioner or appellant shall meet the petitioner's or appellant's time schedule for filing documents.

2. The respondent or appellee shall file 40 copies of the brief on the merits within **30** days after the brief for the petitioner or appellant is filed.

3. The petitioner or appellant shall file 40 copies of the reply brief, if any, within **25** days after the brief for the respondent or appellee is filed, but any reply brief must actually be received by the Clerk not later **than 2 p.m.** one week before the date of oral argument. Any respondent or appellee supporting the petitioner or appellant may file a reply brief.

4. The time periods stated in paragraphs 1, 2, **and 3** of this Rule may be extended as provided in Rule 30. An application to extend the time to file a brief on the merits is not favored. If a case is advanced for hearing, the time to file briefs on the merits may be abridged as circumstances require pursuant to an order of the Court on its own motion or that of a party.

5. A party wishing to present late authorities, newly enacted legislation, or other intervening matter that was not available in time to be included in a brief may file 40 copies of a supplemental brief, restricted to such new matter and

otherwise presented in conformity with these Rules, up to the time the case is called for oral argument or by leave of the Court thereafter.

6. After a case has been argued or submitted, the Clerk will not file any brief, except that of a party filed by leave of the Court.

7. The Clerk will not file any brief that is not accompanied by proof of service as required by Rule 29.

8. An electronic version of every brief on the merits shall be transmitted to the Clerk of Court and to opposing counsel of record at the time the brief is filed in accordance with guidelines established by the Clerk. The electronic transmission requirement is in addition to the requirement that booklet-format briefs be timely filed.

[CLERK'S COMMENT: THE REVISED BRIEFING SCHEDULE RECOGNIZES THAT THE TIME PERIOD BETWEEN THE GRANTING OF A PETITION FOR A WRIT OF CERTIORARI AND THE DATE OF ORAL ARGUMENT HAS DECREASED IN RECENT YEARS. THE REVISED RULE ALSO RECOGNIZES THAT TECHNOLOGICAL IMPROVEMENTS HAVE DECREASED THE AMOUNT OF TIME NEEDED TO PREPARE BOOKLET-FORMAT BRIEFS AND BRIEFS CAN BE READILY TRANSMITTED ELECTRONICALLY. ELECTRONIC TRANSMISSION OF BRIEFS TO THE CLERK AND OPPOSING COUNSEL IS MANDATED BY THE REVISED RULE. THE CHANGE EMPHASIZES THAT ELECTRONIC TRANSMISSION DOES NOT CONSTITUTE FILING.]

Current Rule 28.3 and 28.4

3. Unless the Court directs otherwise, each side is allowed one-half hour for argument. Counsel is not required to use all the allotted time. Any request for additional time to argue shall be presented by motion under Rule 21 no more than 15 days after the petitioner's or appellant's brief on the merits is filed, and shall set out specifically and concisely why the case cannot be presented within the half-hour limitation. Additional time is rarely accorded.

4. Only one attorney will be heard for each side, except by leave of the Court on motion filed no more than 15 days after the respondent's or appellee's brief on the merits is filed. Any request for divided argument shall be presented by motion under Rule 21 and shall set out specifically and concisely why more than one attorney should be allowed to argue. Divided argument is not favored.

Revised Rule 28.3 and 28.4

3. Unless the Court directs otherwise, each side is allowed one-half hour for argument. Counsel is not required to use all the allotted time. Any request for additional time to argue shall be presented by motion under Rule 21 **in time to be considered at a scheduled Conference prior to the date of oral argument and no later than 7** days after the **respondent's** or **appellee's** brief on the merits is filed, and shall set out specifically and concisely why the case cannot be presented within the half-hour limitation. Additional time is rarely accorded.

4. Only one attorney will be heard for each side, except by leave of the Court on motion filed **in time to be considered at a scheduled Conference prior to the date of oral argument and no later than 7 days** after the respondent's or appellee's brief on the merits is filed. Any request for divided argument shall be presented by motion under Rule 21 and shall set out specifically and concisely why more than one attorney should be allowed to argue. Divided argument is not favored.

[CLERK'S COMMENT: DIFFERENT DEADLINES FOR MOTIONS FOR ADDITIONAL TIME TO ARGUE AND FOR DIVIDED ARGUMENT HAVE CAUSED CONFUSION. IT IS NOT UNCOMMON THAT A MOTION FOR DIVIDED ARGUMENT WILL BE COMBINED WITH A REQUEST FOR ADDITIONAL TIME FOR ARGUMENT. ALSO, THE 15-DAY DEADLINE FOR THESE MOTIONS SEEMS EXCESSIVE GIVEN THE REQUIREMENT THAT MERITS-STAGE BRIEFS BE ELECTRONICALLY TRANSMITTED ON THE DAY OF FILING. LASTLY, THE REVISED RULE SEEKS TO MAKE COUNSEL MINDFUL OF THE NEED TO SUBMIT THESE MOTIONS IN TIME TO BE CONSIDERED AT A CONFERENCE PRIOR TO ARGUMENT.]

Current Rule 33.1

1. Booklet Format: (a) Except for a document expressly permitted by these Rules to be submitted on 8½- by 11-inch paper, see, e. g., Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6⅜- by 9¼-inch booklet format using a standard typesetting process (e.g., hot metal, photocomposition, or computer typesetting) to produce text printed in typographic (as opposed to typewriter) characters. The process used must produce a clear, black image on white paper. The text must be reproduced with a clarity that equals or exceeds the output of a laser printer.

(b) The text of every booklet-format document, including any appendix thereto, shall be typeset in Roman 11-point or larger type with 2-point or more leading between lines. The typeface should be similar to that used in current volumes of the United States Reports. Increasing the amount of text by using condensed or thinner typefaces, or by reducing the space between letters, is strictly prohibited. Type size and face shall be consistent throughout. Quotations in excess of 50 words shall be indented. The typeface of footnotes shall be 9-point or larger with 2-point or more leading between lines. The text of the document must appear on both sides of the page.

(c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight, and shall have margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed 4⅜ by 7⅞ inches. The document shall be bound firmly in at least two places along the left margin (saddle stitch or perfect binding preferred) so as to permit easy opening, and no part of the text should be obscured by the binding. Spiral, plastic, metal, or string bindings may not be used. Copies of patent documents, except opinions, may be duplicated in such size as is necessary in a separate appendix.

(d) Every booklet-format document shall comply with the page limits shown on the chart in subparagraph 1(g) of this Rule. The page limits do not include the questions presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, or any appendix. Verbatim quotations required under Rule 14.1(f), if set out in the text of a brief rather than in the appendix, are also excluded. For good cause, the Court or a Justice may grant leave to file a document in excess of the page limits, but application for such leave is not favored. An application to exceed page limits shall comply with Rule 22 and must be received by the Clerk at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

(e) Every booklet-format document shall have a suitable cover consisting of 65-pound weight paper in the color indicated on the chart in subparagraph 1(g) of this Rule. If a separate appendix to any document is filed, the color of its cover shall be the same as that of the cover of the document it supports. The Clerk will furnish a color chart upon request. Counsel shall ensure that there is adequate contrast between the printing and the color of the cover. A document filed by the United States, or by any other federal party represented by the Solicitor General, shall have a gray cover. A joint appendix, answer to a bill of complaint, motion for leave to intervene, and any other document not listed in subparagraph 1(g) of this Rule shall have a tan cover.

(f) Forty copies of a booklet-format document shall be filed.

(g) Page limits and cover colors for booklet-format documents are as follows:

	Type of Document	Page Limits	Color of Cover
(i)	Petition for a Writ of Certiorari (Rule 14); Motion for Leave to File a Bill of Complaint and Brief in Support (Rule 17.3); Jurisdictional Statement (Rule 18.3); Petition for an Extraordinary Writ (Rule 20.2)	30	white
(ii)	Brief in Opposition (Rule 15.3); Brief in Opposition to Motion for Leave to File an Original Action (Rule 17.5); Motion to Dismiss or Affirm (Rule 18.6); Brief in Opposition to Mandamus or Prohibition (Rule 20.3(b)); Response to a Petition for Habeas Corpus (Rule 20.4)	30	orange
(iii)	Reply to Brief in Opposition (Rules 15.6 and 17.5); Brief Opposing a Motion to Dismiss or Affirm (Rule 18.8)	10	tan
(iv)	Supplemental Brief (Rules 15.8, 17, 18.10, and 25.5)	10	tan
(v)	Brief on the Merits for Petitioner or Appellant (Rule 24); Exceptions by Plaintiff to Report of Special Master (Rule 17)	50	light blue
(vi)	Brief on the Merits for Respondent or Appellee (Rule 24.2); Brief on the Merits for Respondent or Appellee Supporting Petitioner or Appellant (Rule 12.6); Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	50	light red
(vii)	Reply Brief on the Merits (Rule 24.4)	20	yellow
(viii)	Reply to Plaintiff's Exceptions to Report of Special Master (Rule 17)	50	orange
(ix)	Reply to Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	50	yellow
(x)	Brief for an <i>Amicus Curiae</i> at the Petition Stage (Rule 37.2)	20	cream
(xi)	Brief for an <i>Amicus Curiae</i> in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	30	light green
(xii)	Brief for an <i>Amicus Curiae</i> in Support of the Defendant, Respondent, or Appellee, on the Merits Or in an Original Action at the Exceptions Stage (Rule 37.3)	30	dark green
(xiii)	Petition for Rehearing (Rule 44)	10	tan

Revised Rule 33.1

1. *Booklet Format:* (a) Except for a document expressly permitted by these Rules to be submitted on 8½- by 11-inch paper, see, *e. g.*, Rules 21, 22, and 39, every document filed with the Court shall be prepared in a 6⅞- by 9¼-inch booklet format using a standard typesetting process (*e.g.*, hot metal, photocomposition, or

computer typesetting) to produce text printed in typographic (as opposed to typewriter) characters. The process used must produce a clear, black image on white paper. The text must be reproduced with a clarity that equals or exceeds the output of a laser printer.

(b) The text of every booklet-format document, including any appendix thereto, shall be typeset in **New Century Schoolbook 12-point** type with 2-point or more leading between lines. Quotations in excess of 50 words shall be indented. The typeface of footnotes shall be **New Century Schoolbook 10-point** type with 2-point or more leading between lines. The text of the document must appear on both sides of the page.

(c) Every booklet-format document shall be produced on paper that is opaque, unglazed, and not less than 60 pounds in weight, and shall have margins of at least three-fourths of an inch on all sides. The text field, including footnotes, may not exceed $4\frac{1}{8}$ by $7\frac{1}{8}$ inches. The document shall be bound firmly in at least two places along the left margin (saddle stitch or perfect binding preferred) so as to permit easy opening, and no part of the text should be obscured by the binding. Spiral, plastic, metal, or string bindings may not be used. Copies of patent documents, except opinions, may be duplicated in such size as is necessary in a separate appendix.

(d) Every booklet-format document shall comply with the **word** limits shown on the chart in subparagraph 1(g) of this Rule. The **word** limits do not include the questions presented, the list of parties and the corporate disclosure statement, the table of contents, the table of cited authorities, **the listing of counsel at the end of the document**, or any appendix. **The word limits include footnotes.** Verbatim quotations required under Rule 14.1(f), if set out in the text of a brief rather than in the appendix, are also excluded. For good cause, the Court or a Justice may grant leave to file a document in excess of the **word** limits, but application for such leave is not favored. An application to exceed **word** limits shall comply with Rule 22 and must be received by the Clerk at least 15 days before the filing date of the document in question, except in the most extraordinary circumstances.

(e) Every booklet-format document shall have a suitable cover consisting of 65-pound weight paper in the color indicated on the chart in subparagraph 1(g) of this Rule. If a separate appendix to any document is filed, the color of its cover shall be the same as that of the cover of the document it supports. The Clerk will furnish a color chart upon request. Counsel shall ensure that there is adequate contrast between the printing and the color of the cover. A document filed by the United States, or by any other federal party represented by the Solicitor General, shall have a gray cover. A joint appendix, answer to a bill of complaint, motion for leave to intervene, and any other document not listed in subparagraph 1(g) of this Rule shall have a tan cover.

(f) Forty copies of a booklet-format document shall be filed.

(g) **Word** limits and cover colors for booklet-format documents are as follows:

	Type of Document	Word Limits	Color of Cover
(i)	Petition for a Writ of Certiorari (Rule 14); Motion for Leave to File a Bill of Complaint and Brief in Support (Rule 17.3); Jurisdictional Statement (Rule 18.3); Petition for an Extraordinary Writ (Rule 20.2)	9,000	white
(ii)	Brief in Opposition (Rule 15.3); Brief in Opposition to Motion for Leave to File an Original Action (Rule 17.5); Motion to Dismiss or Affirm (Rule 18.6); Brief in Opposition to Mandamus or Prohibition (Rule 20.3(b)); Response to a Petition for Habeas Corpus (Rule 20.4)	9,000	orange
(iii)	Reply to Brief in Opposition (Rules 15.6 and 17.5); Brief Opposing a Motion to Dismiss or Affirm (Rule 18.8)	3,000	tan
(iv)	Supplemental Brief (Rules 15.8, 17, 18.10, and 25.5)	3,000	tan
(v)	Brief on the Merits for Petitioner or Appellant (Rule 24); Exceptions by Plaintiff to Report of Special Master (Rule 17)	15,000	light blue
(vi)	Brief on the Merits for Respondent or Appellee (Rule 24.2); Brief on the Merits for Respondent or Appellee Supporting Petitioner or Appellant (Rule 12.6); Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	15,000	light red
(vii)	Reply Brief on the Merits (Rule 24.4)	6,000	yellow
(viii)	Reply to Plaintiff's Exceptions to Report of Special Master (Rule 17)	15,000	orange
(ix)	Reply to Exceptions by Party Other Than Plaintiff to Report of Special Master (Rule 17)	15,000	yellow
(x)	Brief for an <i>Amicus Curiae</i> at the Petition Stage or pertaining to a Motion for Leave to file a Bill of Complaint (Rule 37.2)	6,000	cream
(xi)	Brief for an <i>Amicus Curiae</i> in Support of the Plaintiff, Petitioner, or Appellant, or in Support of Neither Party, on the Merits or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	light green
(xii)	Brief for an <i>Amicus Curiae</i> in Support of the Defendant, Respondent, or Appellee, on the Merits Or in an Original Action at the Exceptions Stage (Rule 37.3)	9,000	dark green
(xiii)	Petition for Rehearing (Rule 44)	3,000	tan

(h) A document prepared under Rule 33.1 must be accompanied by a certificate signed by the attorney, the unrepresented party, or the preparer of the document stating that the brief complies with the word limitation. The person preparing the certificate may rely on the word

count of the word-processing system used to prepare the document. The word-processing system must be set to include footnotes in the word count. The certificate must state the number of words in the document. The certificate shall accompany the document when it is presented to the Clerk for filing and shall be separate from it. If the certificate is signed by a person other than the counsel of record or the unrepresented party, it must contain a notarized affidavit or declaration in compliance with 28 U.S.C. §1746.

[CLERK'S COMMENT: THE PURPOSE OF THE RULE CHANGES IS TO ENSURE THAT DOCUMENTS ARE MORE READABLE, TO PROVIDE CLEAR GUIDELINES FOR PREPARING DOCUMENTS, AND TO LIMIT THE LENGTH OF DOCUMENTS WHILE ELIMINATING ANY INCENTIVE TO INCREASE THE NUMBER OF WORDS ON A PAGE. THE USE OF A WORD COUNT TO MEASURE THE VOLUME OF A BRIEF WAS ADOPTED BY THE 1998 AMENDMENTS TO THE FEDERAL RULES OF APPELLATE PROCEDURE. THE CHANGE ALSO CLARIFIES WHICH WORDS ARE INCLUDED AND WHICH WORDS ARE NOT INCLUDED IN THE WORD COUNT.]

Current Rule 33.2(b)

Page limits for documents presented on 8½- by 11-inch paper are: 40 pages for a petition for a writ of certiorari, jurisdictional statement, petition for an extraordinary writ, brief in opposition, or motion to dismiss or affirm; and 15 pages for a reply to a brief in opposition, brief opposing a motion to dismiss or affirm, supplemental brief, or petition for rehearing. The page exclusions specified in subparagraph 1(d) of this Rule apply.

Revised Rule 33.2(b)

Page limits for documents presented on 8½- by 11-inch paper are: 40 pages for a petition for a writ of certiorari, jurisdictional statement, petition for an extraordinary writ, brief in opposition, or motion to dismiss or affirm; and 15 pages for a reply to a brief in opposition, brief opposing a motion to dismiss or affirm, supplemental brief, or petition for rehearing. **The exclusions specified in subparagraph 1(d) of this Rule apply.**

[CLERK'S COMMENT: THE CHANGE REFLECTS THE USE OF WORD LIMITS IN RULE 33.1]

Current Rule 34.1(f)

The name of the attorney who is counsel of record for the party concerned (who must be a member of the Bar of this Court except as provided in Rule 33.2), and on whom service is to be made, with a notation directly thereunder identifying the attorney as counsel of record and setting out counsel's office address and telephone number. Only one counsel of record may be noted on a single document. The names of other members of the Bar of this Court or of the bar of the highest court of State acting as counsel, and, if desired, their addresses, may be added, but

counsel of record shall be clearly identified. Names of persons other than attorneys admitted to a state bar may not be listed, unless the party is appearing *pro se*, in which case the party's name, address, and telephone number shall appear. The foregoing shall be displayed in an appropriate typographical manner and, except for identification of counsel, may not be set in type smaller than standard 11-point, if the document is prepared as required by Rule 33.1.

Revised Rule 34.1(f)

The name of the attorney who is counsel of record for the party concerned (who must be a member of the Bar of this Court except as provided in Rule 9.1) and on whom service is to be made, with a notation directly thereunder identifying the attorney as counsel of record and setting out counsel's office address and telephone number. Only one counsel of record may be noted on a single document. The names of other members of the Bar of this Court or of the bar of the highest court of State acting as counsel, and, if desired, their addresses, may be added, but counsel of record shall be clearly identified. Names of persons other than attorneys admitted to a state bar may not be listed, unless the party is appearing *pro se*, in which case the party's name, address, and telephone number shall appear. The foregoing shall be displayed in an appropriate typographical manner and, except for identification of counsel, may not be set in type smaller than standard 11-point, if the document is prepared as required by Rule 33.1.

[CLERK'S COMMENT: THE CHANGE SUBSTITUTES THE PRIMARY RULE PROVISION REGARDING CJA COUNSEL FOR THE CURRENT RULE REFERENCE.]

Current Rule 37.2(a)

An *amicus curiae* brief submitted before the Court's consideration of a petition for a writ of certiorari, motion for leave to file a bill of complaint, jurisdictional statement, or petition for an extraordinary writ, may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 2(b) of this Rule. The brief shall be submitted within the time allowed for filing a brief in opposition or for filing a motion to dismiss or affirm. The *amicus curiae* brief shall specify whether consent was granted, and its cover shall identify the party supported.

Revised Rule 37.2(a)

An *amicus curiae* brief submitted before the Court's consideration of a petition for a writ of certiorari, motion for leave to file a bill of complaint, jurisdictional statement, or petition for an extraordinary writ may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 2(b) of this Rule. **An *amicus curiae* brief in support of a petitioner or appellant shall be filed within 30 days after the case is placed on the docket, and that time will not be extended. An *amicus curiae* brief in support of a motion of a plaintiff for leave to file a bill of complaint in an original action shall be filed within 60 days after the case is placed on the docket, and that time will not be extended. An *amicus***

curiae brief in support of a respondent, an appellee, or a defendant shall be submitted within the time allowed for filing a brief in opposition or a motion to dismiss or affirm. An *amicus curiae* shall ensure that the counsel of record for all parties receive notice of its intention to file an *amicus curiae* brief at least 10 days prior to the due date for the *amicus curiae* brief, unless the *amicus curiae* brief is filed earlier than 10 days before the due date. The *amicus curiae* brief shall indicate that counsel of record received timely notice of the intent to file the brief under this Rule and shall specify whether consent was granted, and its cover shall identify the party supported.

[CLERK'S COMMENT: THE PURPOSE OF THE REVISION IS TO ALLOW A RESPONDING PARTY TO RESPOND TO AN *AMICUS CURIAE* BRIEF FILED ON BEHALF OF THE OPPOSING PARTY IN THE SAME DOCUMENT AND AT THE SAME TIME THAT A RESPONSE TO THE PARTY IS MADE. THE NOTICE REQUIREMENT IS INTENDED TO ALLOW A RESPONDENT TO SEEK AN EXTENSION OF TIME IN ORDER TO RESPOND TO AN *AMICUS CURIAE* BRIEF IN A BRIEF IN OPPOSITION.]

Current Rule 37.3(a)

An *amicus curiae* brief in a case before the Court for oral argument may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 3(b) of this Rule. The brief shall be submitted within the time allowed for filing the brief for the party supported, or if in support of neither party, within the time allowed for filing the petitioner's or appellant's brief. The *amicus curiae* brief shall specify whether consent was granted, and its cover shall identify the party supported or indicate whether it suggests affirmance or reversal. The Clerk will not file a reply brief for an *amicus curiae*, or a brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing.

Revised Rule 37.3(a)

An *amicus curiae* brief in a case before the Court for oral argument may be filed if accompanied by the written consent of all parties, or if the Court grants leave to file under subparagraph 3(b) of this Rule. The brief shall be submitted within the time allowed for filing the brief for the party supported, or if in support of neither party, within the time allowed for filing the petitioner's or appellant's brief. **An electronic version of every *amicus curiae* brief in a case before the Court for oral argument shall be transmitted to the Clerk of Court and to counsel for the parties at the time the brief is filed in accordance with guidelines established by the Clerk. The electronic transmission requirement is in addition to the requirement that booklet-format briefs be timely filed.** The *amicus curiae* brief shall specify whether consent was granted, and its cover shall identify the party supported or indicate whether it suggests affirmance or reversal. The Clerk will not file a reply brief for an *amicus curiae*, or a brief for an *amicus curiae* in support of, or in opposition to, a petition for rehearing.

[CLERK'S COMMENT: ELECTRONIC TRANSMISSION OF MERITS STAGE *AMICUS CURIAE* BRIEFS TO THE CLERK AND OPPOSING COUNSEL IS MANDATED BY THE REVISED RULE. THE CHANGE ALSO EMPHASIZES THAT ELECTRONIC TRANSMISSION DOES NOT CONSTITUTE FILING.]

Current Rule 37.5

A brief or motion filed under this Rule shall be accompanied by proof of service as required by Rule 29, and shall comply with the applicable provisions of Rules 21, 24, and 33.1 (except that it suffices to set out in the brief the interest of the *amicus curiae*, the summary of the argument, the argument, and the conclusion). A motion for leave to file may not exceed five pages. A party served with the motion may file an objection thereto, stating concisely the reasons for withholding consent; the objection shall be prepared as required by Rule 33.2.

Revised Rule 37.5

A brief or motion filed under this Rule shall be accompanied by proof of service as required by Rule 29, and shall comply with the applicable provisions of Rules 21, 24, and 33.1 (except that it suffices to set out in the brief the interest of the *amicus curiae*, the summary of the argument, the argument, and the conclusion). A motion for leave to file may not exceed **1,500 words**. A party served with the motion may file an objection thereto, stating concisely the reasons for withholding consent; the objection shall be prepared as required by Rule 33.2.

[CLERK'S COMMENT: THE CHANGE REFLECTS THE USE OF WORD LIMITS IN RULE 33.1]

Current Rule 37.6

Except for briefs presented on behalf of *amicus curiae* listed in Rule 37.4, a brief filed under this Rule shall indicate whether counsel for a party authored the brief in whole or in part and shall identify every person or entity, other than the *amicus curiae*, its members, or its counsel, who made a monetary contribution to the preparation or submission of the brief. The disclosure shall be made in the first footnote on the first page of text.

Revised Rule 37.6

Except for briefs presented on behalf of *amicus curiae* listed in Rule 37.4, a brief filed under this Rule shall indicate whether counsel for a party authored the brief in whole or in part, **whether such counsel or a party is a member of the *amicus curiae*, or made a monetary contribution to the preparation or submission of the brief**, and shall identify every person other than the *amicus curiae*, its members, or its counsel, who made **such** a monetary contribution. The disclosure shall be made in the first footnote on the first page of text.

[CLERK'S COMMENT: THE CHANGE WOULD REQUIRE THE DISCLOSURE THAT A PARTY MADE A MONETARY CONTRIBUTION TO THE PREPARATION OR

SUBMISSION OF AN *AMICUS CURIAE* BRIEF IN THE CAPACITY OF A MEMBER OF THE ENTITY FILING AS *AMICUS CURIAE*.]

Current Rule 40

1. A veteran suing to establish reemployment rights under any provision of law exempting veterans from the payment of fees or court costs, may file a motion for leave to proceed on papers prepared as required by Rule 33.2. The motion shall ask leave to proceed as a veteran and be accompanied by an affidavit or declaration setting out the moving party's veteran status. A copy of the motion shall precede and be attached to each copy of the petition for a writ of certiorari or other substantive document filed by the veteran.

2. A seaman suing under 28 U. S. C. §1916 may proceed without prepayment of fees or costs or furnishing security therefor, but is not entitled to proceed under Rule 33.2, except as authorized by the Court on separate motion under Rule 39.

3. An accused person petitioning for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces under 28 U. S. C. §1259 may proceed without prepayment of fees or costs or furnishing security therefor and without filing an affidavit of indigency, but is not entitled to proceed on papers prepared as required by Rule 33.2, except as authorized by the Court on separate motion under Rule 39.

Revised Rule 40

1. A veteran suing under any provision of law exempting veterans from the payment of fees or court costs, **may proceed without prepayment of fees or costs or furnishing security therefor** and may file a motion for leave to proceed on papers prepared as required by Rule 33.2. The motion shall ask leave to proceed as a veteran and be accompanied by an affidavit or declaration setting out the moving party's veteran status. A copy of the motion shall precede and be attached to each copy of the petition for a writ of certiorari or other substantive document filed by the veteran.

2. A seaman suing under 28 U. S. C. §1916 may proceed without prepayment of fees or costs or furnishing security therefor **and may file a motion for leave to proceed on papers prepared as required by Rule 33.2. The motion shall ask leave to proceed as a seaman and be accompanied by an affidavit or declaration setting out the moving party's seaman status. A copy of the motion shall precede and be attached to each copy of the petition for a writ of certiorari or other substantive document filed by the seaman.**

3. An accused person petitioning for a writ of certiorari to review a decision of the United States Court of Appeals for the Armed Forces under 28 U. S. C. §1259 may proceed without prepayment of fees or costs or furnishing security therefor and without filing an affidavit of indigency, but is not entitled to proceed on papers prepared as required by Rule 33.2, except as authorized by the Court on separate motion under Rule 39.

[CLERK'S COMMENT: THE CHANGE EXEMPTS VETERANS FROM PAYING THE DOCKETING FEE AND PREPARING A BOOKLET-FORMAT DOCUMENT WHENEVER ANY PROVISION OF LAW EXEMPTS VETERANS FROM THE PAYMENT OF FEES AND COURT COSTS. THE REVISED RULE ALSO EXTENDS THE EXEMPTION FROM THE PREPARATION OF BOOKLET-FORMAT DOCUMENTS TO SEAMEN. IF THE REASON FOR THE STATUTORY EXEMPTIONS IS TO REMOVE COST BARRIERS, THE EXEMPTION OF THE PRINTING REQUIREMENT REMOVES THE BIGGEST COST BARRIER TO FILING IN THIS COURT.]

Current Rule 44.6

If the Clerk determines that a petition for rehearing submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition for rehearing received no more than 15 days after the date of the Clerk's letter will be deemed timely.

Revised Rule 44.6

If the Clerk determines that a petition for rehearing submitted timely and in good faith is in a form that does not comply with this Rule or with Rule 33 or Rule 34, the Clerk will return it with a letter indicating the deficiency. A corrected petition for rehearing **submitted in accordance with Rule 29.2 no more** than 15 days after the date of the Clerk's letter will be deemed timely.

[CLERK'S COMMENT: THE CHANGE RECOGNIZES THAT A PETITIONER MAY NOT HAVE CONTROL OVER WHEN A DOCUMENT IS RECEIVED BY THE CLERK, AND THE REVISION IS CONSISTENT WITH THE RULE PROVISION GOVERNING THE FILING OF DOCUMENTS.]